

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10  
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11  
/066 W

-----034516 102300Z /61

P 102247Z AUG 78  
FM AMEMBASSY OTTAWA  
TO SECSTATE WASHDC PRIORITY 8334  
ALL OTHER CANADIAN POSTS POUCH

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E.O. 11652: N/A  
TAGS: PINT, PGOV, CA  
SUBJECT: OTTO LANG ENLIVENS DEBATE OVER CONSTITUTIONAL  
REFORM

REF: OTTAWA 3950

1. WITH DEBATE PICKING UP OVER SUBSTANCE OF TRUDEAU'S  
CONSTITUTIONAL REFORM RECOMMENDATIONS, GOVERNMENT  
ADDED TO CONTROVERSY ON AUGUST 8 WITH RELEASE OF STUDY  
OF ALTERNATIVE FORMULAE FOR ENACTING CONSTITUTIONAL  
CHANGES--AN AREA ON WHICH PRIME MINISTER'S DRAFT CON-  
STITUTIONAL AMENDMENT BILL HAD STRANGELY MADE NO PRO-  
POSALS. STUDY ENTITLED "THE CANADIAN CONSTITUTION AND  
CONSTITUTIONAL AMENDMENT" WAS PUBLISHED UNDER AUSPICES  
OF FEDERAL-PROVINCIAL RELATIONS OFFICE HEADED BY MARC  
LALONDE. PAPER SURVEYS AMENDMENT PROCEDURES IN OTHER  
FEDERATIONS INCLUDING U.S., REVIEWS ABORTIVE PAST  
HISTORY OF CANADIAN ATTEMPTS TO REACH AGREEMENT ON  
AMENDMENT PROCEDURE, AND SUGGESTS FOUR POSSIBLE PROCEDURES  
FOR CONSTITUTIONAL AMENDMENT.

2. ALTERNATIVES INCLUDE: (1) SO-CALLED FULTON-FAVREAU  
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PROPOSAL OF 1964 WHICH WOULD HAVE REQUIRED CONSENT OF  
PARLIAMENT AND EITHER ALL PROVINCIAL LEGISLATURES OR TWO-  
THIRDS OF THEM, DEPENDING ON ISSUE; (2) VICTORIA FORMULA  
OF 1971 REQUIRING AGREEMENT OF AT LEAST SIX PROVINCIAL  
LEGISLATURES DISTRIBUTED AMONG FOUR CANADIAN "REGIONS;"  
(3) VICTORIA FORMULA COMBINED WITH POPULAR REFERENDUM IN  
REGIONS WHICH VETOED AN AMENDMENT; AND (4) EXCLUSIVE USE

OF REFERENDA. PAPER STRESSED THAT STUDY WAS BEING PUT FORWARD ONLY AS BACKGROUND INFORMATION TO CONTRIBUTE TO DISCUSSION, AND ASSURED "NO DECISION HAS BEEN TAKEN BY THE GOVERNMENT AS TO WHAT METHOD IT PREFERS."

3. PERHAPS DUE TO COMPLEXITY OF DISTINCTIONS BETWEEN ALTERNATIVE PROCEDURES UNDER CONSIDERATION, STUDY RECEIVED ONLY LIMITED MEDIA COVERAGE UNTIL APPOINTMENT OF OTTO LANG AUGUST 9 AS JUSTICE MINISTER (REFTEL). IN HIS INITIAL REMARKS TO PRESS HE REFERRED TO IMPORTANCE PATRIATING BRITISH NORTH AMERICA ACT, CANADA'S CONSTITUTION, AND REPORTEDLY SUGGESTED THAT NATIONAL PLEBISCITE WOULD BE ONE FORMULA FOR APPROVING CONSTITUTIONAL CHANGES IF PROVINCIAL LEGISLATURES BALKED. ALTHOUGH LANG'S PROPOSAL SEEMS LITTLE DIFFERENT FROM THE "EXCLUSIVE USE OF REFERENDA" MENTIONED BY LALONDE (AND LANG DENIED THAT HIS VIEWS WERE AT ODDS WITH THOSE IN GOVERNMENT STUDY), MEDIA HAS PLAYED UP LANG REMARKS WHICH CBC DESCRIBED AS "BOMBSHELL." REPORTERS ELICITED UNIFORMLY NEGATIVE INITIAL REACTION TO PLEBISCITE PROPOSAL FROM PROVINCIAL PREMIERS CURRENTLY ASSEMBLED IN REGINA FOR FOUR-DAY ANNUAL CONFERENCE.

4. WITH SPECIAL SENATE COMMITTEE CURRENTLY CONSIDERING CONSTITUTIONAL AMENDMENT ACT IN OTTAWA, JOINT HOUSE-SENATE COMMITTEE SCHEDULED TO TAKE UP THE ACT IN LIMITED OFFICIAL USE

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AUGUST, AND FEDERAL-PROVINCIAL CONSTITUTIONAL CONFERENCE ALSO IN OFFING, SHAPE WHICH CANADIAN CONSTITUTIONAL REFORM EVENTUALLY TAKES REMAINS ANYONE'S GUESS. LANG'S INTERJECTION INTO DEBATE SEEMS, FOR THE MOMENT, TO HAVE SHED MORE HEAT THAN LIGHT.

5. EMBASSY IS POUCHING COPIES OF LALONDE AMENDMENT STUDY AND CONSTITUTIONAL AMENDMENT BILL ITSELF TO EUR/CAN.  
ENDERS

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Draft Date:** 10 aug 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Subject:** OTTO LANG ENLIVENS DEBATE OVER CONSTITUTIONAL  
**TAGS:** PINT, PGOV, CA  
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**Review Markings:**  
Sheryl P. Walter  
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